

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AF HOLDINGS LLC,

Plaintiff,

v.

KENNETH PAYNE,

Defendant.

CASE NO. 1:12-cv-04234

Judge: Hon. Gary Feinerman

Magistrate Judge: Hon. Jeffrey T. Gilbert

MOTION FOR VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE

Plaintiff AF Holdings LLC (“Plaintiff”), through its undersigned counsel, hereby files this Motion for Voluntary Dismissal of Action Without Prejudice, states as follows:

1. Plaintiff filed this action on May 31, 2012 (ECF No. 1), the Court granted it leave to subpoena the internet service provider referenced in the Complaint before the Rule 26(f) conference (ECF No. 8), and Plaintiff amended its complaint to name the Defendant in August 2012 (ECF No. 12).

2. The Defendant answered the Complaint on October 17, 2012 (EC F NO. 16) and the Court entered a scheduling order on November 8, 2012. (ECF No. 18.)

3. Plaintiff wishes to dismiss this case, without prejudice. Although Defendant has filed an answer, Plaintiff has not heard from Defendant in any fashion since October 2012. Plaintiff respectfully requests that this Court allow Plaintiff to voluntarily dismiss all claims in this action, without prejudice. Defendant has not filed a counterclaim, and granting this Motion will not cause any prejudice to Defendant.

WHEREFORE, Plaintiff respectfully requests that this Court grant this Motion, enter an order dismissing this case without prejudice, and granting any and all further relief that this Court deems to be reasonable and appropriate under the circumstances.

Respectfully submitted,

AF Holdings LLC,

DATED: March 19, 2013

By: /s/ Paul Duffy
Paul Duffy (Bar No. 6210496)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 19, 2013, all individuals of record who are deemed to have consented to electronic service are being served true and correct copy of the foregoing documents, and all attachments and related documents, using the Court's ECF system.

By: /s/ Paul Duffy